

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Declaration of Smt. Rathod Ambi Bai @Jadhav Ambi Bai D/o Rathod Raju by the Collector & District Magistrate, Kumuram Bheem Asifabad District vide Procs.Rc.No.C2/1011/2019, dated.29.01.2020 - Appeal filed by Smt. Rathod Ambi Bai @ Jadhav Ambi Bai D/o Rathod Raju R/o.Anarpally (V) Kerameri Mandal of Kumaram Bheem Asifabad District – Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 22

Date: 09.02.2021
Read the following:-

1. GO Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procs.Rc.No C2/1011/2019, dt.29.01.2020 of Collector & District Magistrate, Kumuram Bheem Asifabad District
3. Appeal petition filed by Rathod Ambi Bai @Jadhav Ambi Bai D/o Rathod Raju R/o. Anarpally (V) Kerameri Mandal of Kumaram Bheem Asifabad District, dated 28.02.2020.
4. Govt.Memo.No.502/TW.LTR/2020, dated 17.09.2020
5. Lr.Rc.No.D5/309/2018, dated: 28.09.2020 of P.O, ITDA, Utnoor, Adilabad District.
6. Notice No.502/TW.LTR/2020, dt. 17.09.2020.

ORDER

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the Collector & District Magistrate, Kumuram Bheem Asifabad District vide her orders in the reference 2nd cited, has issued orders declaring that the appellant Smt. Rathod Ambi Bai @Jadhav Ambi Bai D/o Rathod Raju R/o. Anarpally (V) Kerameri Mandal of Kumaram Bheem Asifabad District is not a Local Schedule Tribe as per definition of G.O.Ms.No.24, TW (LTR.1) Department, dt.12.6.2018 basing on the following grounds of the Scrutiny Committee headed by the PO ITDA Utnoor:

- Jadhav Ambi Bai D/o Rathod Raju R/o Anarpally village of Kerameri Mandal of KB Asifabad Dist has appeared before the Committee on 21.11.2019 and submitted the following documents in support of her claim:
 - Family Tree
 - Caste Certificate
 - Agency Certificate
 - Migration Certificate
 - Revenue Records
- During final hearing on 6.12.2019, the Scrutiny Committee has concluded with the following findings:

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- Anarpally is not Scheduled Village - the G.O.Ms.No.24, dt. 12-06-2018 is not applicable to plain Village.
- As per family tree produced by applicant Rathod Tarya is Grandfather. In support of her claim she has produced copy of Logan Register of Khapri village of Asifabad Mandal of 1951 - Rathod Tarya name was not found.
- The applicant has not produced documents from 1950.
- Migration Certificate was issued by Tahsildar vide Rc.No.D/28/19, dt.11-01-2019 certifying that fore-fathers and her parents continuously resided at Khapri village of Asifabad Mandal from 26-01-1950 to 1967 and migrated to Kerameri Mandal. No Record has been shown that her fore-fathers and parents are resided at Khapri village of prior to 1967.
- A show cause notice was issued to Jadhav Ambi Bai D/o Rathod Raju to attend before the District Collector, Kumuram Bheem Asifabad on 28.01.2020 to prove her claim as Local ST with relevant material/documents.
- Accordingly, Jadhav Ambi Bai D/o Rathod Raju R/o Anarpally village of Kerameri Mandal of Kumuram Bheem Asifabad District has attended before the District Collector on 28.01.2020 and after verification of documents; it is revealed that Jadhav Ambi Bai D/o Rathod Raju R/o Anarpally village of Kerameri Mandal of Kumuram Bheem Asifabad District is not a Local Schedule Tribe as per definition of G.O.Ms.No.24, TW (LTR.1) Dept. dt.12.06.2018. Hence, her claim was rejected.

3. Aggrieved by the above cancellation orders of the District Collector, Kumuram Bheem Asifabad, the Appellant Smt. Rathod Ambi Bai @Jadhav Ambi Bai D/o Rathod Raju has filed Appeal before the Government under GO Ms.No.24, dt.12.6.2018, wherein she stated that:

- Pursuant to the Notification No.53/2017 issued by the TSPSC, she appeared for the test with H.T.No.1753114769 and after passing the said test, her certificates also verified by the TSPSC with verification ID:5231, dt.23.8.2018 and provisionally selected for the said post.
- Therefore, the DEO Adilabad sent the provisional selection list of TRT under Agency Scheduled Tribe category of Adilabad District to District Collector for verification of genuineness of Local ST certificates for issuing appointment orders which were in turn placed before the Committee constituted as per GO Ms.No.24, TW (LTR.1) Dept. dt.12.6.2018.
- Before the Scrutiny Committee, she produced all the

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documents i.e. 1.Family Tree, 2.Caste Certificate, 3.Agency Certificate, 4.Migration Certificate, 5.Revenue Records etc., to prove her claim for ST local.

- In spite of sufficient evidence produced by her regarding her legitimate claim for ST local, gave a finding and concluded that she failed to prove her continuous residence in Agency Area since 26.1.1950.
- Before the Scrutiny Committee and before the Dist. Collector, Adilabad, she proved that Anarpally village Karanjivada (notified) Gram Panchayat of Kerameri Mandal, it is revealed that the forefathers of the appellant Rathod Ambi Bai @ Jadhav Ambi Bai D/o Rathod Raju were living in KAPRI (Notified) village of Asifabad Mandal from 1950 to 1962.
- Even if a re-enquiry is conducted, she is ready to get the village elders statements to have been recorded – revealing that Hemla Naik was her forefather and others lived in Kapri (Notified) village. Due to the fire accident took place in Kapri village, many people were migrated.
- Appellant's grandfather Thodia S/o Hanjari and three brothers migrated from KAPRI village to Anarpalli village of Karanjivada G.P. in 1994.
- On verification of langadari register pertains to 1951 year of Kapri village of Asifabad Mandal, forefathers of appellant has 6.25 acres of land under Sl.No.10.
- According to Pahani for the year 1968-69 Sri Narsing S/o Ranjith, grandfather of the appellant is the cultivator of land bearing Sy.No.12/339 PP for an extent of 5.00 acres situated in Devapur village of Kerameri Mandal.
- Name of Smt.Shakuntala Bai W/o Raju (mother of appellant) is enrolled in the voters list at Sl.No.673 of Khanapur Assembly Constituency for the year 1977.
- In the year 1985, the Sub-Collector, Asifabad issued license to Anarpally village to protect their crops from wild animals. In this license, Anarpally village is mentioned as habitation to Devapur village.
- ITDA Utnoor established Tribal Welfare Residential High School in Anarpally village, wherein some candidates were appointed for various posts on ST Area certificates.
- As per Scheduled Area (Part-B) States Order, 1950 Devapur village comes under agency village. According to 1976-77 Pahani total Anarpalli lands come under Devapur Shivar and the proof is also enclosed. Thus, it is clear that the appellant village Anarpally is the hamlet of Devapur village from which she hails is a scheduled area which was included prior to the

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year 1978 in Asifabad Taluq and in the year 1978-79 Asifabad Taluq was bifurcated as Asifabad Taluq and Wankidi Taluq and her village Anarpally is the hamlet of Devapur village included in Wankidi Taluq. In the year 1985 Wankidi Taluq was divided as three Mandals 1. Wankidi, 2. Tiryani and 3. Kerameri and her village Anarpally is the hamlet of Devapur village included in Kerameri Mandal. As per the Census Report of India 1981 published in the District Census Hand Book, Adilabad – reveals that Devapur village of Wankidi Taluq is having nine hamlets which include Anarpalli. The voter lists for the year 1986 clearly displays that the Anarpalli is the hamlet of Devapur village.

- Apart from this, appellant further collected particulars of some candidates appointed by the Government in Anarpalli and surrounding villages and also details under RTI Act, 2005 which are enclosed herewith.
- TWPS and MPPS Schools list issued by the Mandal Education Officer, Kerameri is also enclosed herewith. Some people got jobs under Agency Area (Anarpalli) and they are also being salaries with agency allowances
- Thus, the allegation that the appellant is not residing in Anarpally village and no records available further the village Anarpally of Kerameri Mandal is a non-notified village is not true and the same is contrary to the oral and documentary evidence on record as explained supra.
- It is very clear that the appellant is the Local ST by caste Lambada as explained supra. Further, there is adequate oral and documentary proof as explained supra to show that she belongs to the village Anarpally from where the appellant hails is the hamlet of Devapur (Agency) Revenue village, Kerameri Mandal, Komuram Bheem (Asifabad) District which is a Scheduled Notified Area. The documents more particularly in the Census Report and Gazette Notification enclosed reveals that the appellant's local residential place is village Anarpally is the hamlet of Devapur (Agency) village.

4. Hence, the appellant prayed the Appellate Authority to set-aside the Procs.Rc.No.C2/1011/2019, dt.29.1.2020 issued by the Dist. Collector, Kumuram Bheem Asifabad District and consequently allow the appeal and pass such other order or orders as the Hon'ble Authority may deem fit.

5. Along with the appeal, the appellant has submitted copies of 1) Proc.Rc.No.C2/1011/2019, dt.29.1.2020 of District Collector, Kumuram Bheem Asifabad District, 2) Copy of Notification of President of India stating in Sl.No.6 in Asifabad Taluq, Page No.31 & 32, Devapur, 3) Copy of Census of India location Code 1961 to 1981 village code No..53 having hamlets, 4) Copy of Voters list, 5) copy of Adangal Pahani Patrika of Devapur for the year 1976-77, 6) Copy of

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Proc.Rc.No.A9/571/2014 issued by the Asst. Director of Survey and Land Records, Adilabd District, 7) Copy of Gram Panchayat, Anarpally village, Resolution dated 27.1.2020, 8) Copy of Proc.No.G/47/2014 issued by the Sub-Collector, Asifabad, 9) Copy of Asifabad Taluk Map, 10) Copy of Paisal Patty village of Devapur for the year 1977-78, 11) Copy of Appointment orders issued by the Government, 12) Copy of the Agency Certificates and Allowances issued by the Government and 13) Copy of the Information obtained under RTI Act etc.

6. The Appellant has further submitted certain documents during hearing on 29.9.2020 in support of her claim.

7. The documents available on record, produced along with the Appeal and also during hearing on 29.9.2020.

8. The details of findings and observations noted against each finding of the Scrutiny Committee headed by PO ITDA Utnoor under which the District Collector, Kumuram Bheem Asifabad has passed orders in Proc.Rc.No.C2/1011/2019, dt.29.01.2020.

Finding No.1: Anarpally is not Scheduled village and GO Ms.No.24, dt.12.06.2018 is not applicable to plain village.

Observations:

- i) As per Scheduled Areas (Part-B, States) Order, 1950, dt.7.12.1950 of the President of India, Devapur is an agency village in the erstwhile Asifabad Taluq of Adilabad District.
- ii) As per Census Book 1981 – Series 2 – Andhra Pradesh – District Census Handbook, Adilabad – Parts XIII-A & B – Village & Town Directory – under Wankadi Taluk of Adilabad District – Location code No.53 shows Devapur village.
- iii) As per list of villages in Adilabad District together with their hamlets as in 1981 Census and Location Code Numbers from 1961 to 1981 Censuses – under Wankadi Taluq (formed from Asifabad Taluk vide G.O.Ms.No.1390, Revenue (U) dated 28th November, 1979) – Sl.No.29 Devapur village (Location code 53 in 1981, Location code 1 in 1971 and 1961 Census) has nine (9) hamlets namely – 1) Chintapalle 2) Thummagudem 3) Kattigudem 4) **Anarpalle** 5) Kalamguda 6) Karangiwada 7) Jairamguda 8) Dakmapur 9) Salegudem.
- iv) As per list of Scheduled villages in Kerameri Mandal of Adilabad District as certified by the PO ITDA Utnoor, Devapur is a scheduled village at Census Code No.53 of 1981 Census.

9. From the above, it is clear that Anarpalle village was one of the hamlets under Devapur, an agency village of the erstwhile Asifabad and Wankidi Taluqs in the erstwhile Adilabad District and now in Kerameri Mandal of Kumuram Bheem Asifabad District. As Devapur is an agency village as notified by the President of India in the Part-B States Order, 1950, dt.7.12.1950 – all its hamlets (now villages) are agency villages only unless and until they are declared as non-scheduled by the President of India.

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Finding No.2: As per family tree produced by applicant Rathod Tarya is Grandfather. In support of her claim she has produced copy of Logan Register of Khapri village of Asifabad Mandal of 1951 - Rathod Tarya name was not found;

Finding No.3: Applicant has not produced documents from 1950; and

Finding No.4: Migration Certificate was issued by Tahsildar vide Rc.No.D/28/19, dt.11-01-2019 certifying that fore- fathers and her parents continuously resided at Khapri village of Asifabad Mandal from 26-01-1950 to 1967 and migrated to Kerameri Mandal. No Record has been shown that her fore- fathers and parents are resided at Khapri village prior to 1967.

Observations:

- i) As per the Family Tree deposed in the Affidavit submitted before the Tahsildar, Kerameri Mandal duly Notarized on 7.7.2018:
 - Rathod Hanjari S/o Venkat Ram is senior grandfather of appellant who has two sons namely 1) Rathod Narayana and 2) Rathod Thodiya (grandfather of appellant).
 - Rathod Narayana i.e. elder son of Rathod Hanjari has four sons namely 1) Hemla 2) Soma 3) Gopi and 4) Baslu.
 - Rathod Thodiya i.e. younger son of Rathod Hanjari and grandfather of appellant has four sons namely 1) Thavurya 2) Raju (father of appellant) 3) Goriya and 4) Tholsiya.
 - Rathod Raju i.e. father of appellant has five children namely 1) Hanjari 2) Premala 3) Ambi Bai (appellant) 4) Renuka Bai 5) Swaroopa Rani and 6) Vivek Kumar.
- ii) Name of Sri Hemla i.e. eldest son of brother of (Rathod Narayana) grandfather Thodiya was recorded in the Lagan Register for the year 1951 of Khapri village showing for an extent of acs.3.25 gts as certified by the Deputy Tahsildar, Tahsildar Office, Asifabad.
- iii) As per GP Resolution dt.27.1.2020 – above family tree has been certified by the GP and also declared that the family of the appellant was migrated in the year 1967 to Anarpally village.
- iv) As per Certificate of Proof of Local ST Candidate issued by the Tahsildar, Kerameri bearing No.E/213/2005-15, it was certified that Rathod Ambi Bai D/o Rathod Raju Naik, aged: 26 years, belongs to Lambada ST residing at Anarpalli village hamlet of Devapur Revenue village prior to formation as separate Revenue village which falls within the scheduled

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area from 26th January, 1950, her parents have been residing in Anarpalli H/o Devapur as per the statements of village elders.

- v) As per Migration Certificate bearing Rc.No.D/28/2019, dt.11.01.2019 issued by the Tahsildar, Asifabad Mandal, basing on the certification made by the Mandal Girdawar Asifabad, Smt.Rathod Ambi Bai D/o Rathod Raju Naik @ Bhukya Raju Naik R/o Anarpalli H/o Devapur village of Kerameri Mandal, Kumuram Bheem Asifabad District belongs to ST Lambada and on enquiry it was revealed that her forefathers and her parents continually resided at Khapri village of Asifabad Mandal from 26.1.1950 to 1967 and migrated from this Mandal in the year 1967 to Kerameri Mandal. Hence certified.

10. Vide reference 4th read above, the District Collector, Kumuram Bheem Asifabad has been requested to submit original record pertaining to the case along with para-wise remarks.

11. Accordingly, vide reference 5th read above, the PO ITDA Uttoor, Adilabad District has submitted original record of the case along with para-wise remarks.

12. Vide reference 6th read above, a Notice has been issued to the Appellant to attend for hearing on 29.9.2020 at 11.00 AM before the Government to prove her claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 29.9.2020, and submitted the documents as submitted along with Appeal Petition.

13. From the record, there is no complaint made against the Appellant Smt. Rathod Ambi Bai @Jadhav Ambi Bai D/o Rathod Raju and the District Collector, Kumuram Bheem Asifabad, ought to have informed the same to the appointing authority about her genuineness as local ST of agency village Anarpalli as per the above directions of the Hon'ble High Court, but instead conducted inquiry into the genuineness of the Local Agency Scheduled Tribe cancelled it basing on the findings of the Scrutiny Committee. Non-compliance of directions of the Hon'ble High Court will attract contempt proceedings. On this count also, the cancellation orders of the District Collector, Kumuram Bheem Asifabad, are liable to be set-aside.

14. In view of the above observations, certificates issued by the Tahsildars, Asifabad and Kerameri, and resolution made by GP Anarpalli of Kerameri Mandal, Kumuram Bheem Asifabad District, it is held proved that the appellant and her family have been residing continuously in the Agency villages i.e. Khapri (from 1950 to 1962) and then migrated to Anarpalli (previously a hamlet under Devapur agency village) in the erstwhile Asifabad, Wankidi Taluqs of erstwhile Adilabad District and now in Kerameri Mandal of Kumuram Bheem Asifabad District.

15. Government after careful examination of the documents available on record, documents submitted by the Appellant along with the appeal petition, during the hearing on 29.9.2020 and also in the light of the

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Interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in interim orders passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018, it is found that the Appellant Smt. Rathod Ambi Bai@ Jadhav Ambi Bai, D/o Rathod Raju and her family have been residing continuously in the Agency village i.e. Khapri (from 1950-1962) and then migrated to Anarpali (previously a hamlet under Devapur agency village) in the erstwhile Asifabad, Wankidi Taluqs of erstwhile Adilabad District and now in Kerameri Mandal of Kumuram Bheem Asifabad District.

16. Accordingly, Government hereby set aside orders of the Collector & District Magistrate, Kumuram Bheem Asifabad District in Procs. Rc.No.C2/1011/2019, dated 29.01.2020 and allowed the Appeal filed by Smt. Rathod Ambi Bai @ Jadhav Ambi Bai, D/o Rathod Raju R/o. Anarpally (V) Kerameri Mandal of Anarpali agency village in Kerameri Mandal Kumaram Bheem Asifabad District, and also local ST Certificate bearing No.E/213/2005-15, issued by the Tahsildar, Kerameri Mandal is treated as valid.

17. The Collector & District Magistrate, Kumuram Bheem Asifabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr.CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Kumuram Bheem Asifabad District.

Smt. Rathod Ambi Bai @Jadhav Ambi Bai D/o Rathod Raju,

R/o. Anarpally(V) Kerameri Mandal of Kumaram Bheem Asifabad District.

Copy to:

- 1.The Secretary, Telangana State Public Service Commission,
Hyderabad (for information & necessary action)
- 2.The Project Officer, ITDA Utnoor, Adilabad District (for information & necessary action)
- 3.The District Educational Officer, Adilabad (for information & necessary action)
- 4.The PS to Hon'ble Minister for ST Welfare for information.
- 5.The PS to Secretary (TW)
- 6.The PS to Special Secretary (TW)
7. SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER